

Simpson Thacher & Bartlett LLP

425 LEXINGTON AVENUE
NEW YORK, NY 10017-3954

TELEPHONE: +1-212-455-2000
FACSIMILE: +1-212-455-2502

Direct Dial Number

212-455-3070

E-mail Address

Brooke.Cucinella@stblaw.com

BY ECF

February 2, 2022

Re: **United States v. Burgess, et al., 18 Cr. 373 (RJS)**

Honorable Richard J. Sullivan
United States District Judge
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007-1312

Dear Judge Sullivan:

Pursuant to the Court's September 27, 2021 Memo Endorsement (ECF No. 868), we represent Ernest Murphy in the above-captioned matter as appointed counsel in connection with Mr. Murphy's contemplated filing of a Rule 33(b)(1) motion.

We write to request a short extension to the briefing schedule in light of a meeting scheduled between counsel for Mr. Murphy and the Government scheduled for this Friday. In addition, consistent with the Mr. James Roth's letter filed on behalf of defendant Tyquan Robinson, and endorsed by the Court yesterday (ECF No. 902), we are reaching out to Mr. Robinson's newly appointed counsel to discuss an interview with Mr. Robinson regarding issues related to Mr. Murphy's Rule 33 motion.

In light of these developments, we respectfully request a short extension to the briefing schedule for Mr. Murphy's motion. The Government has consented to an extension until next week.¹ The proposed revised briefing schedule is as follows:

- February 9: Mr. Murphy files his Rule 33(b)(1) motion (previously February 4).
- March 16: The Government files its opposition brief (previously March 11).
- March 30: Mr. Murphy files his reply brief (previously March 25).

¹ As of the filing of this letter, the Government had agreed to an extension until next week, but we had not heard back regarding the precise proposed dates.

Honorable Richard J. Sullivan

-2-

February 2, 2022

We thank the Court for its consideration of this proposal.

Respectfully submitted,



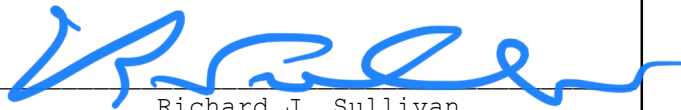
Brooke E. Cucinella

cc: AUSA Elinor Tarlow (*by ECF*)
AUSA Jun Xiang (*by ECF*)
AUSA Matthew Hellman (*by ECF*)

The defendant's request for a revision to the briefing schedule is GRANTED. IT IS HEREBY ORDERED THAT the defendant shall file his Rule 33 motion by February 9, 2022; the government shall file its opposition brief by March 16, 2022; and the defendant shall file his reply brief by March 30, 2022. IT IS FURTHER ORDERED THAT no additional extensions will be granted absent compelling circumstances.

SO ORDERED:

Date: February 3, 2022



Richard J. Sullivan
U.S.C.J., Sitting by Designation